
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Cheryl Sagataw and DeAnthony
Barnes, *on behalf of themselves and a
class of similarly situated
individuals,*

Ct. File No. 24-cv-00001(ECF/TNL)

Plaintiffs,

DECLARATION OF ENRIQUE
VELAZQUEZ

v.

Mayor Jacob Frey, *in his individual and
official capacity.*

Defendant.

Your Declarant is Enrique Velazquez, and he submits the following declaration:

1. I am the Director of Regulatory Services for the City of Minneapolis (“City”). I submit this declaration in support of the Mayor Jacob Frey’s Memorandum in Opposition to Plaintiffs’ Motion for Temporary Restraining Order. The information in this declaration is based on my personal knowledge from first-hand involvement and/or information I’ve learned from City employees occurring in the normal course of my work as the Director of Regulatory Services.

2. On August 24, 2023, the Minnesota Department of Transportation (“MNDot”) cleared and closed an encampment on MNDot property known as the “Wall of Forgotten Natives.” Immediately following this closure, several individuals from this site broke through a fence surrounding a City-owned lot located at 2313 13th Avenue South. Within hours of breaking into the fenced property, approximately 40 individuals set up tents and formed a new encampment (“the Encampment”).

3. By August 29, 2023, the size of the Encampment grew to approximately 70 individuals and shortly thereafter rose to over 100 individuals. Since mid-October, the size of the Encampment has oscillated between 100-150 individuals.

4. The City’s Homeless Response Team (“HRT”) first visited the Encampment on August 24, 2023.

5. The City’s HRT connects homeless individuals with Hennepin County and other service providers for housing assessments and/or case management, service providers or assigned case workers, storage services in partnership with Downtown Improvement District, shelter services, medical attention through Healthcare for the Homeless, and transportation services to these and other resources.

6. The City’s HRT has made no less than 15 separate visits to the

Encampment with these offers of assistance.

7. On numerous occasions, the City's additional outreach partners, including Agate, Avivo, Hennepin County's Streets to Housing, and Healthcare for the Homeless visited the Encampment to engage with the unsheltered individuals to provide services.

8. With the approval of Mayor Jacob Frey and the Minneapolis City Council, the City provided one-time funding to and has partnered with Helix Health and Housing Services, an organization that provides housing, mental health services, and substance use treatment to underserved populations in collaboration with Red Lake Nation. With the assistance of Helix's outreach efforts, the City has supported 104 residents at the Encampment with housing or other shelter options.

9. The City's HRT also ensures that people are aware of free storage provided to homeless individuals through the City's contract with the Downtown Improvement District ("DID"), an arrangement championed by Mayor Jacob Frey. Individuals can bring their personal property directly to DID for free, safe and secure storage. Alternatively, the City's HRT will bring DID bins to an encampment and transport them back to DID for storage. DID will store individuals' personal property for an unlimited amount of time, provided that individuals using storage check-in with DID once every 14 days. The City's HRT

has provided information about free, secure, unlimited property storage on every visit to the Encampment and will continue to do so up until the date of the closure. To date, no one at the Encampment has chosen to use the free DID storage offered by the City.

10. On October 11, 2023, the Directors of the City's Community Planning and Economic Development Department and the City's Regulatory Service Department, with the approval of Mayor Frey, met with Encampment organizers to evaluate the situation, observe conditions, and discuss closure.

11. The City historically does not provide portapotties at encampments. Recognizing the volume of people present at the Encampment and livability impacts for the surrounding community, however, City staff worked to add portapotties at the Encampment as part of a plan to effect a healthy closure of the Encampment.

12. Identifying a willing vendor was challenging, as vendors have been harassed and assaulted when servicing or removing portapotties in other encampments, and portapotties are regularly vandalized and service vehicles damaged when engaging in encampment response work.

13. The City was able to secure four portapotties placed immediately outside of the Encampment, inclusive of an accessible portapotty for residents with limited mobility. The Encampment portapotties are serviced six days per

week.

14. In an effort to work towards a collaborative closure, the City increased the frequency with which the City contractor removed rubbish from outside the encampment from once to twice a week. Public Works eventually took over collection, placed refuse containers on site, and began servicing the area five times per week.

15. In general, criminal activity associated with encampments pose risks to not only those living in the encampment, but the community at large.

16. Since its inception, there have been more than one hundred 911 calls to Minneapolis Police and Fire Departments relating to the Encampment. The calls relate to illegal activity at the Encampment including but not limited to death threats among campers, assault, gunshots wounds, stolen vehicles, vandalism and property damages, drug overdoses, and fires.

17. In October 2023, there were two notably tragic incidents at the Encampment – one that involved the death of a newborn baby, and one that involved the drug overdose death of an individual at the Encampment.

18. On November 1, 2023, leaders from the Metropolitan Urban Indian Directors (“MUID”) reached out to City Staff and Mayor Frey via a letter demanding that the Encampment be closed immediately, citing concerns not only about the recent deaths and other crimes, but that criminal activity was being

hidden from law enforcement due to threats and physical violence inflicted on those reporting. A true and correct copy of the MUID letter to the City is attached hereto as Exhibit A.

19. On December 12, 2023, a 45-year-old man was killed at the Encampment after being shot six times.

20. Due to escalating violence and safety concerns, the Encampment was set for closure on December 14, 2023 and notice of the closure was posted on December 7, 2023.

21. Mayor Frey determined that a short delay was appropriate to give those remaining at the Encampment additional time to access shelter and services. Accordingly, a new closure date was set for December 19, 2023.

22. During this time between December 7 and December 19, 2023, the City's HRT team made numerous visits to the Encampment, offering connection to shelter and services, as well as providing free storage options for personal property.

23. On December 14, 2023, members of the Minneapolis City Council and representatives from Mayor Frey's office, along with County Commissioners, state legislators, and services providers, met with Encampment leaders. There was broad agreement that the Encampment needed to close, but the City leadership, including Mayor Frey, agreed to another extension to provide even more time for

access to services and shelter. At that meeting, encampment organizers asked that residents of the encampment be moved to a temporary, 24/7, indoor facility. The City actively worked to vet that request along with the County, State, and several experienced social service providers. Four experienced and trusted service providers who were capable of providing this level of support were identified: Agate Housing and Services, American Indian Community Development Corporation, Avivo, and Simpson Housing Services. After several discussions, all four providers said they could not take on the role of managing such a project. Capacity, resources (financial and human capital), and other competing priorities were given as primary reasons for this decision. However, these providers said they have the collective capacity to provide supportive housing to approximately 45 to 60 individuals, including offering residents mental health and substance use disorder services. Additionally, with help from Hennepin County and the State of Minnesota, Salvation Army and Rescue Now made plans to add 90 beds to the shelter system the week of January 1, 2024. Hennepin Shelter Hotline, in partnership with the Adult Shelter Connect, also made plans to help people access these additional beds as well as beds that become available in existing shelters. The closure of the Encampment was rescheduled for January 4, 2024.

24. Notice of the Encampment closure was posted on December 29, 2023, six days in advance of the closure.

25. Hennepin County service providers have represented to the City that they have engaged with everyone at the Encampment.

26. During the time between December 14, 2023, to the present, City staff have spent hundreds of collective hours preparing for the closure, allocating resources, designating staff, and assuring that all available shelter and property storage resources had been repeatedly made available to those at the Encampment and that shelter was available for all Encampment individuals.

27. The City conducts encampment closures in accordance with a set of operational guidelines. A true and correct copy for the City's Operational Guidance document is attached hereto as Exhibit B.

28. Prior to an encampment closure, it is the City and Mayor Frey's practice to post notice at least 72 hours in advance, absent specific circumstances.

29. On the day of an encampment closure, representatives from multiple departments are often on site. The Minneapolis Health Department handles needle pick up if necessary, Minneapolis Public Works assists with cleaning the site, the Minneapolis Department of Regulatory Services may be on hand to assist with community partners, provide shelter information, and offer rides. When necessary, the MPD is on site to support the other City staff and ensure that homeless individuals, the community, and City staff are safe throughout the duration of the closure.

30. The City employees on site encourage individuals to gather and take with them all of their belongings that they have not already placed in storage. City workers will often help individuals move their belongings off-site. If individuals forget an item, they are typically allowed back on site to retrieve it provided it is safe for them to do so. If specific personal items are left behind and identified, such as a purse or backpack, City workers will attempt to retrieve that item and turn it over to outreach workers with the goal of returning it to its owner.

31. City employees working at encampment closures frequently confront unwanted and often hazardous or dangerous items left behind. This can include garbage, food waste, torn tarps, and even stolen vehicles, explosives, and guns. City employees have been stuck with used hypodermic needles when attempting to sort through property at encampment closures. Discarded tents are frequently filled with trash, urine, feces, spoiled food, or rats.

32. Once this Encampment is closed, pre-development activity for a new community center will be able to start. The Indigenous Peoples Task Force (“IPTF”) has a redevelopment agreement with the City to construct the Mikwanedun Audisookon Art and Wellness Center (the “Center”) on the site of the Encampment. According to IPTF, pre-purchase, pre-development work is necessary to make it possible to break ground shortly after purchase, which is currently set for February 2024. IPTF project managers have represented that

delays in starting the project as planned in February 2024 will impact costs and programming for Center. When finalized, the site will include IPTF office and clinic space, a commercial kitchen, community garden, small theater, art workshop and gallery, and space to support neighborhood partnerships and entrepreneurship and employment training.

33. I declare under penalty of perjury that everything I have stated in this declaration is true and correct. Signed in Hennepin County, Minnesota.

Dated: 1/3/24

/s Enrique Velazquez
Enrique Velazquez